

109TH CONGRESS  
1ST SESSION

# H. R. 4427

To direct the Secretary of Homeland Security to establish a database of small businesses for purposes of consultation by Federal agencies prior to awarding contracts relating to declared emergencies.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 18, 2005

Mr. THOMPSON of Mississippi (for himself, Mr. ALEXANDER, Mr. JEFFERSON, Mr. POE, Ms. JACKSON-LEE of Texas, and Mr. TAYLOR of Mississippi) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Homeland Security to establish a database of small businesses for purposes of consultation by Federal agencies prior to awarding contracts relating to declared emergencies.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. ESTABLISHMENT AND CONSULTATION OF**  
2 **SMALL BUSINESS DATABASE BY SECRETARY**  
3 **OF HOMELAND SECURITY.**

4 (a) ESTABLISHMENT AND CONSULTATION.—Title V  
5 of the Homeland Security Act of 2002 (6 U.S.C. 311 et  
6 seq.) is amended—

7 (1) by redesignating the second section 510 as  
8 section 511; and

9 (2) by adding at the end the following new sec-  
10 tion:

11 **“SEC. 512. SMALL BUSINESS DATABASE FOR FEDERAL CON-**  
12 **TRACTING RELATED TO MAJOR DISASTERS**  
13 **AND EMERGENCY ASSISTANCE ACTIVITIES:**  
14 **ESTABLISHMENT AND CONSULTATION.**

15 “(a) ESTABLISHMENT OF DATABASE.—The Sec-  
16 retary, acting through the Director of the Federal Emer-  
17 gency Management Agency, shall establish and maintain  
18 a database of small business concerns.

19 “(b) INCLUDED INFORMATION.—The database under  
20 subsection (a) shall include the following information  
21 about each small business concern:

22 “(1) The name of the small business concern.

23 “(2) The location of the small business concern.

24 “(3) The area served by the small business con-  
25 cern.

1           “(4) The type of good or service provided by  
2 the small business concern.

3           “(5) Whether the small business concern is—

4               “(A) a small business concern owned and  
5 controlled by socially and economically dis-  
6 advantaged individuals;

7               “(B) a small business concern owned and  
8 controlled by women; or

9               “(C) a small business concern owned and  
10 controlled by service-disabled veterans.

11          “(c) SOURCE OF INFORMATION.—

12               “(1) SUBMISSION.—Information maintained in  
13 the database shall be submitted on a voluntary basis  
14 by small business concerns.

15               “(2) ATTESTATION.—Each small business con-  
16 cern submitting information to the database shall  
17 submit—

18                   “(A) an attestation that the information  
19 submitted is true; and

20                   “(B) documentation supporting such attes-  
21 tation.

22               “(3) VERIFICATION.—The Secretary shall verify  
23 only that the documentation submitted by each small  
24 business concern supports the information submitted  
25 by that small business concern.

1           “(4) ENFORCEMENT PENALTIES FOR MIS-  
2       REPRESENTATION.—Any concern that is determined  
3       by the Secretary to have misrepresented the status  
4       of that concern as a small business concern owned  
5       and controlled by socially and economically disadvan-  
6       taged individuals, a small business concern owned  
7       and controlled by women, or a small business con-  
8       cern owned and controlled by service-disabled vet-  
9       erans for purposes of this subsection shall be subject  
10      to—

11           “(5) section 1001 of title 18; and

12           “(6) sections 3729 through 3733 of title 31.

13       “(d) AVAILABILITY OF DATABASE.—The database  
14      shall be made generally available on the Internet website  
15      of the Department.

16       “(e) CONSULTATION OF DATABASE.—

17           “(1) CONSULTATION REQUIRED.—Before  
18      awarding a Federal contract for a disaster-related  
19      activity a Federal agency shall consult the database  
20      established under this section.

21           “(2) DISASTER-RELATED ACTIVITY DEFINED.—

22      For purposes of this subsection, a disaster-related  
23      activity is an activity undertaken by reason of an  
24      event that is declared an emergency or a disaster by  
25      the President pursuant to the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act (42  
2 U.S.C. 5121 et seq.).

3 “(f) DEFINITIONS.—For purposes of this section, the  
4 terms ‘small business concern’, ‘small business concern  
5 owned and controlled by socially and economically dis-  
6 advantaged individuals’, ‘small business concern owned  
7 and controlled by women’, and ‘small business concern  
8 owned and controlled by service-disabled veterans’ shall  
9 have the meanings given those terms under the Small  
10 Business Act (15 U.S.C. 631 et seq.).”.

11 (b) CLERICAL AMENDMENT.—The table of contents  
12 in section 1(b) of the Homeland Security Act of 2002 is  
13 amended by adding after the items relating to section 509  
14 the following:

“Sec. 510. Procurement of security countermeasures for strategic national  
stockpile.

“Sec. 511. Urban and other high risk area communications capabilities.

“Sec. 512. Small business database for Federal contracting related to declared  
emergencies: establishment and consultation.”.

15 (c) EFFECTIVE DATE.—The Secretary shall establish  
16 the database required under section 512 of the Homeland  
17 Security Act of 2002 (as added by subsection (a)) not later  
18 than the date that is 60 days after the date of the enact-  
19 ment of this Act.

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